

JEFFERSON COUNTY COMMISSIONERS
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
June 10, 2008**

Present: Commissioners Lythgoe, Notbohm and Weber; Mike Hoffman, County Planner; Andrea Sarchet, MSU Extension Agent; Rick Hotaling, BLM; Marga Lincoln, *Helena Independent Record*; Dave Kirsch, Peter & Barbara Babin, Caroleen Vaughan, Glen Robbins, Connie Humes

REPORTS

Receipt of May cash report from the Treasurer's office.

Receipt of May Clerk and Recorder fees report.

CALENDAR REVIEW

6/10 Solid Waste conference call – 6:00
9-1-1 meeting – 7:00
6/11 JLDC planning meeting – all day
6/12 CTAC – Whitehall – 8:00
Meeting with architect – 9:00
Elkhorn Working Group – 3:00
Weed Board – 6:00
Library Board – Whitehall – 6:30

COMMISSION REPORTS

HEALTH BOARD

Commissioner Lythgoe reported that he attended the Health Board meeting on Thursday night. They are very pleased that the mill levy passed. They now need to write a job description for the person to be hired, and they are also working on their budget.

ELECTION

Commissioner Lythgoe reported that the Commission canvassed the election the previous day. All of the numbers came out right.

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RURAL IMPROVEMENT DISTRICTS

Commissioner Lythgoe reported that he attended a meeting of the Jack Mountain homeowner's association the previous night. The meeting was to scope interest in forming a RID/RMD, and there was no one in attendance that was not in favor of proceeding. Bill Lloyd from Great West Engineering was there with preliminary dollar amounts. Moonlight Ridge homeowners are also discussing forming a RID/RMD. There is a stretch of Jackson Creek Road that the County will need to take a look at. There would be three separate RIDs, but it could be bid as one job. He noted that it is too late to do the work this year, but we could get the process started.

RED STORM SYMPOSIUM

Commissioner Weber reported on the symposium he attended in Missoula regarding pine, and other, beetles that are killing trees in the state. He stated that the trees that we see that are red are dead already; the trees next to them are probably dead too. Options were discussed to stop the spread of the beetles, such as pheromones to attract them to a trap tree or to repel them. Infected trees should also be removed to stop the spread. The main contributing factor to the spread is the weather; we aren't getting 40-below temperatures needed to kill the beetles, no direct sunlight, which can be obtained by thinning the forests, and the stands of forest need to be a mosaic of younger and older trees. The last two factors can be offset through management practices. Commissioner Notbohm asked if they discussed the costs of treating. Commissioner Weber answered that they did somewhat; it depends on the method used and if they are going to harvest the trees. They are looking at ways to profit from using trees too small for board mills, such as chipping, paper, etc. Commissioner Weber stated that the problem is even worse in Canada, where they have 35 to 55 million acres of dead or dying trees. They have put \$1 billion into trying to stop the spread. (This figure seems low – Ken?)

Commissioner Weber noted that everyone pretty much acknowledged that there is nothing that can be done to stop the current infestation, but that we need to figure out what to do when the next outbreak occurs. If we allow the trees to reseed, we will just have the same problem with all the trees in the forest being the same age.

CORRESPONDENCE

Commissioner Lythgoe stated that he received an e-mail from MDT regarding the Boulder – south highway widening project on Highway 69. They are going to be holding an agency coordination meeting on July 30th at 1:00 to gather input. He asked who would like to attend the meeting. Commissioner Weber voted to make Commissioner Lythgoe the Commission liaison and noted that there is no need for anyone else to attend.

SUBDIVISION REVIEW

FINAL PLAT APPROVAL – VISTAS MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report on this 5-lot minor subdivision

northwest of Clancy. The parcel contains approximately 18.28 acres and is proposed to be split into 5 lots ranging in size from 2.02 to 5.00 acres. Mike stated that all of the conditions of approval have been met, and he would recommend that final plat approval be granted. Commissioner Lythgoe moved to grant final plat approval. Commissioner Notbohm seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

RICK HOTALING – BLM – UPDATE OF RESOURCE MANAGEMENT PLAN

Before Rick could get to his presentation, a discussion of beetle kill started. Rick stated that the BLM had three projects to remove bug kill trees, and they only got bids on two of them. They are only taking infested live trees, not the red ones. Chipping the dead trees is a problem as no one wants the chips. Portable pellet mills could be an option for the future, as is biomass methanol. This can be added to ethanol for vehicle fuel. Rick stated that the technology is there, they just need a use. A lot of ideas have been developed, but there is no infrastructure yet. Commissioner Lythgoe stated that he did a mitigation project around his house a few years ago. He did have some beetles in his trees, but there is now a lot of space between the trees and lots of sunlight, and he hasn't had a problem since. Rick stated that these trees work well for use as firewood, but they need to be tarped during the summer, as the beetle will come out of the wood in July or August. Rick stated that the beetles usually go for the larger trees, but they are finding that the beetles are going back into a kill area and infesting smaller trees.

Rick then turned to his presentation on the Resource Management Plan. He stated that they are in the final stages, where he will be briefing Commissioners, the congressional delegation and the Governor's office. A PowerPoint presentation will then be given to the Director of BLM. After this there will be a 120-day comment period. Rick then went over the information in the PowerPoint presentation, noting where changes had been made to the original alternatives.

Commissioner Weber asked if the Muskrat Creek area is still available for mineral exploration. Rick stated that it is, but noted that it has been nominated for designation as a Scenic River, and it is up to congress to decide.

ANDREA SARCHET – EXTENSION UPDATE

Andrea Sarchet, Madison-Jefferson Extension Agent, presented the Commissioners with a list giving an overview of the past seven months since she started in her position. She noted that she is getting into the busy time of year; with agriculture in full swing and the fairs approaching.

Andrea stated that she has recently been talking with the Madison County Commission. When they hired for her position, they had considered hiring a full-time agent for Madison County. She would like to see a full year cycle before she would be comfortable with giving her input, but she knows that she would like to see 4-H remain combined. She thinks that a shared ag agent and a shared 4-H agent might be a good fit. Commissioner Lythgoe stated that ultimately it is not really our decision, but would be up to MSU. Andrea agreed, and stated that MSU has to

provide funding, so they would have to approach the legislature for more money. Commissioner Notbohm stated that it is a real pleasure to see someone working this job as Andrea is.

APPOINT BOARD MEMBERS

A list of members to be appointed to serve on the DUI Task Force was presented for approval. Commissioner Weber moved to appoint the board members as presented. Commissioner Lythgoe seconded. The motion carried.

AWARD BID FOR BIG DIPPER DRIVE IMPROVEMENTS

Commissioner Lythgoe called Jason at Great West, who stated that he had reviewed the bids for completeness, and that he would recommend that the bid be awarded to Bullock Construction in the amount of \$45,992.00. This bid was \$1,000.00 under Great West's estimate. The next lowest bid was from Helena Sand and Gravel, in the amount of \$69,961.00. Jason said that he will send a letter to Bullock informing them of the award.

Commissioner Lythgoe moved to award the bid for the Big Dipper Drive RID to Bullock Construction in the amount of \$45,992.00. Commissioner Weber seconded. Commissioner Notbohm stated that this makes him nervous. They are still waiting to see what is going to happen with the chip seal on South Hills; he thought that it was part of the contract. Commissioner Weber noted that the engineer did sign off on the work. A discussion followed regarding whether the chip seal of South Hills Drive was part of the contract. No one could remember if it was included or not. Commissioner Lythgoe called Great West to check, and found that the chip seal was to be done by the county. Commissioner Notbohm noted that the district has already been assessed; they can't go back and add more. Commissioner Weber stated that the money is there. Commissioner Notbohm said that it is the spread of the bids that makes him nervous, and wonders if something was missed. Commissioner Weber noted that Bullock was within \$1000 of the engineer's estimate.

RESOLUTION 22-2008 DISTRIBUTION OF METALLIFEROUS MINES LICENCE TAX

Commissioner Weber read the resolution as follows:

RESOLUTION 22-2008

DISTRIBUTION OF METALLIFEROUS MINES LICENSE TAX

WHEREAS, §15-37-117, MCA, requires that twenty-five percent (25%) of metalliferous mines license taxes, collected by the State under the authority of Title 15, Chapter 37, Part 1, MCA, be distributed to the county in which the mine is located; and

WHEREAS, § 15-37-117, MCA, requires the County Commissioners of such county to allocate those sums received by them, from said metalliferous mines license taxes collected by

the State, as follows:

(1) Not less than forty percent (40%) to the County Hard Rock Mine Trust Reserve Account established under § 7-6-2225, MCA; and

(2) All money, not allocated to the said County Hard Rock Mine Trust Reserve Account, is to be allocated as follows:

(a) 33⅓% to the County Metal Mines Tax Reserve Account for planning or economic development activities;

(b) 33⅓% to the elementary school districts Metal Mines Tax Reserve Account, within the County, that have been affected by the development or operation of the metal mines; and,

(c) 33⅓% to the high school districts Metal Mines Tax Reserve Account within the County that have been affected by the development of operation of the metal mine; and

WHEREAS, there are several metalliferous mines located within the boundaries of Jefferson County; and

WHEREAS, Jefferson County government has recently received \$502,780.00 as its share of such metalliferous mines license taxes collected from the metalliferous mines within Jefferson County,

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Commissioners as follows:

1. That forty percent (40%) of such total sum of \$502,780.00 shall be allocated to and placed in, the County Hard Rock Mine Trust Reserve Fund 2895 established under § 7-6-2225, MCA.

2. That all such sums, held in the above-referenced Hard Rock Mine Trust Reserve Fund and/or above-numbered fund(s) on behalf of the above-named school districts and Jefferson County, shall remain in such account and shall be properly accounted for under the appropriate fund number or numbers established for the same. Further, such sums shall be appropriated by the governing body of Jefferson County, and/or distributed thereby, only in accordance with the provision of § 7-6-2226, MCA.

3. That sixty percent (60%) of such total sum of \$520,780.00 shall be allocated to, and placed in, the County Metal Mines Tax Reserve Account established under § 7-6-2226, MCA.

4. That one-third ($\frac{1}{3}$) of the said sixty percent (60%) placed in the County Metal Mines Tax Reserve Account pursuant to the preceding Paragraph No. 3 shall be placed in Economic Development and Planning Account No. 2320. Such sums to be paid to said account (totaling at this time, the sum of \$100,556.00) shall only be used for planning or economic development activities.

5. That one-third ($\frac{1}{3}$) of the said sixty percent (60%), placed in the County Metal Mines Tax Reserve Account pursuant to the above Paragraph No. 3, shall be allocated and appropriated to the benefit of the following elementary school districts, affected by the development or operation of the several metal mines, or a pro-rata basis determined from the license taxes collected from the mine or mines within each such school district:

(i) To the Cardwell Elementary School District No. 16, the total sum of \$33,328.63 to be placed in said School District's Account No. 7716;

(ii) To the Whitehall Elementary School District No. 4-47, the total sum of \$33,328.63 to be placed in said School District's Account No. 7713;

(iii) To the Clancy Elementary School District No. 1, the total sum of \$11,299.58 to be placed in said School District's Account No. 7712;

(iv) To the Boulder Elementary School District No. 7, the total sum of \$11,299.58 to be placed in said School District's Account No. 7715;

(v) To the Basin Elementary School District No. 5, the total sum of \$11,299.58 to be placed in said School District's Account No. 7714;

6. That one-third ($\frac{1}{3}$) of the said sixty percent (60%), placed in the County Metal Mines Tax Reserve Account pursuant to the above Paragraph No. 3, shall be allocated and appropriated to the benefit of the following high school districts, affected by the development or operation of the several metal mines, on a pro-rata basis determined from the license taxes collected from the mine or mines within each such school district:

(i) To the Whitehall High School District No. 2, the total sum of \$66,657.25 to be placed in said School District's Account No. 7762;

(ii) To the Boulder High School District No 1, the total sum of \$33,898.75 to be placed in said School District's Account No. 7761.

DATED this 10th day of June, 2008.

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ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER

Commissioner Lythgoe stated that he has a question about Basin. They were a late-comer to this and hadn't been getting the funds. He doesn't feel that they should be getting the same percentage as the other schools. Commissioner Weber stated that this is the way that it was set up and agreed upon when the issue arose. Commissioner Notbohm stated that his thoughts are that this is a good thing. Boulder often runs a bond issue and Basin doesn't do this. He thinks that this is a good thing, as was a recommendation from the group that came forward.

Commissioner Notbohm moved to adopt the resolution. Commissioner Lythgoe seconded. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Caroleen Vaughan said that she would like the Commission to consider authorizing a classical music concert in the courtroom. She has spoken to staff in the District Court office, and they would prefer that this happen on a weekend. She would, however, like to also have one week day during the day so that school children can attend. Commissioner Weber asked what ages she is considering. Caroleen stated that she would like anyone that is able to attend and noted the possibility of having morning and afternoon concerts to allow more children to attend, as seating is limited. Commissioner Notbohm asked who would be playing. Caroleen stated that it would probably be a foundation out of New York, the same one that came here last year for the flute and harp concert. Commissioner Weber stated that the Facilities Department would be the only department that would be impacted on the weekend. Commissioner Lythgoe stated that he feels that this would be appropriate. Commissioner Weber moved to approve the use of the courtroom for a classical music concert. Commissioner Lythgoe seconded. The motion carried.

Caroleen asked if the County has any restrictions on the musicians accepting donations. It was stated that there are none. Caroleen noted that the musicians will also need to rehearse. The Foundation would also like to know the value of the use of the courtroom.

Caroleen stated that the Montana Historical Society Annual Report is out, and Jefferson County is in it for becoming a Preserve America Community. She said that a letter of thanks to Richard Sims would be nice. Commissioner Weber asked her to draft something for the Commissioner's signatures. She also suggested that a picture of the sign be taken to add to the annual report.

Caroleen went on to add that Jefferson County is the first in the state to have a National Register sign that is also printed in Braille, which will be placed at the former School for the Blind.

Commissioner Lythgoe moved to adjourn. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER